

MONTGOMERY CARL AKERS #02866-081
PLAINTIFF, IN PRO SE
U.S. PENITENTIARY-MAX
P.O. Box 8500
FLORENCE, CO. 80226

FILED

2008 JUL -7 PM 2:51

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY Rm DEPUTY

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

MONTGOMERY CARL AKERS
BOP #02866-081,

CIVIL NO. 08-0725
(WMC)

PLAINTIFF,

MOTION FOR FREE
COPIES

VS.

JACQUELYN E. ROKUSEK, ET AL.,

DEFENDANTS.

COMES NOW THE PLAINTIFF MONTGOMERY CARL
AKERS, IN PRO SE, WITH THE ABOVE CAPTIONED
MOTION IN SO DOING VERE THE FOLLOWING IN

SUPPORT THEREOF:

1. ON APRIL 21, 2008, THE PLAINTIFF MONTGOMERY AVENS GRACED THIS COURT WITH THE FILING OF HIS CIVIL RIGHTS COMPLAINT PURSUANT TO 42 U.S.C. §. 1983 "BIVENS ACT FILING".

2. ALBETT NOT ATTORNEY QUALITY AND FORMER, NONETHELESS STATED A COMPLAINT UPON WHICH RELIEF COULD BE GRANTED.

3. THE INK ON THIS COMPLAINT HAD BARELY DRIED BEFORE THE COURT EAGERLY DISMISSED IT BASED UPON THE HOLDINGS OF HECK V. HUMPHREY, 512 U.S. 477, 486-87 (1994).

4. THEREAFTER, THE PLAINTIFF FILED A MOTION FOR RECONSIDERATION THAT COMPORTED TO FED. R. CIV. P. 59(e).

5. THE MOTION FOR RECONSIDERATION WAS SERVED ON MAY 06, 2008; THE DAY HE RECEIVED THE ORDER OF THE COURT OF APRIL 25, 2008, DISMISSING PLAINTIFF'S COMPLAINT.

6. ON JUNE 10, 2008, THE PLAINTIFF FILED HIS "NOTICE OF APPEAL" WHEN HE RECEIVED NO ANSWER TO HIS MOTION FOR RECONSIDERATION.

7. ON JUNE 23, 2008, THE PLAINTIFF RECEIVED THE COURT'S ORDER DENYING MOTION FOR RECONSIDERATION.

8. IT IS ABUNDANTLY CLEAR TO THE PLAINTIFF THAT HE IS BEING DISCRIMINATED AGAINST BY THIS COURT. IT IS ABUNDANTLY CLEAR THAT THE COURT DOES NOT LIKE THE NATURE OR PLEADINGS OF PLAINTIFF'S COMPLAINT.

9. IT IS OBVIOUS THE COURT DOES NOT LIKE THE FACT THAT THE DEFENDANT'S ARE FEDERAL SETAR AND WOMEN, IN PERTINENT PART. 1.

10. THE COURT IS AWARE THAT THE PLAINTIFF HAS

1. THE COURT WILL SAY OTHERWISE... BUT [IT] [K]NOWS THE TRUTH OF ITS PREJUDICE. THERE IS NO QUESTION THAT IT DID NOT GIVE PROPER DE NOVO CONSIDERATION TO THE FACTS OF THE COMPLAINT BEFORE DISMISSING IT. FURTHER, THE PLAINTIFF AVERTED VERY CLEARLY THE COURT'S ERRONEOUS INTERPRETATION OF HECK AGAINST THE CLEARLY STATED FACTS OF PLAINTIFF'S COMPLAINT.

PRESENTED CREDIBLE EVIDENCE (IN PLEADING FORM) TRAVERSING THE HECK FINDING OF THIS COURT IS ORDER DISMISSING PLAINTIFF COMPLAINT IN HIS MOTION FOR RECONSIDERATION.

11. EVEN SO, THE COURT LET ITS HECK HOLDING STAND WITHOUT MODIFICATION.

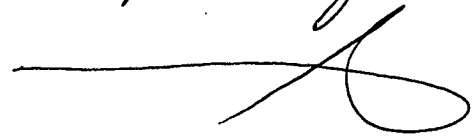
12. THE PLAINTIFF NOW APPEALS THE DISMISSAL OF HIS COMPLAINT TO THE UNITED STATES COURT OF APPEALS, FOR THE NINTH CIRCUIT.

13. IN SO DOING, THE PLAINTIFF IS IN NEED OF FILED COPIES OF ALL PLEADINGS FILED IN THIS COURT AS EXHIBITS.

14. The Plaintiff prays for an order to have the clerk of this court serve upon him all filed pleadings appurtenant to this case.

DATED: June 24, 2008

Respectfully Submitted,



MONTGOMERY C. ATKINS
Plaintiff, IN PRO SE

CERTIFICATE OF SERVICE

I hereby certify that on JUNE 24, 2008 I sent a copy of
[date]

the MOTION FOR FREE COPIES
[name of document]

to: CLERK, U.S. DISTRICT COURT, SOUTHERN DISTRICT OF CALIF.

at 880 FRONT STREET, STE. 4290

SAN DIEGO, CA. 92101-8900, the last known address,
by way of United States mail or courier.

6/24/08

Date

Signature

Montgomery C. Atkins